

PROSKAUER ROSE LLP

Elise M. Bloom
Patrick J. Lamparello
Noa M. Baddish
Eleven Times Square
New York, New York 10036-8299
Tel. 212.969.3000
Fax 212.969.2900
ebloom@proskauer.com
plamparello@proskauer.com
nbaddish@proskauer.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DR. KAROLINA MARCINIAK-DOMINGUES
GONCALVES AGRA and MR. PEDRO HENRIQUE
MARCINIAK-DOMINGUES GONCALVES AGRA,

Plaintiffs,

-against-

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, ROCKEFELLER UNIVERSITY,
NATIONAL SCIENCE FOUNDATION (NSF) –
CENTER FOR BRAINS MINDS AND MACHINES
(CBMM) COOPERATIVE AGREEMENT,
FREDERICO AZEVEDO and WINRICH
FREIWALD,

Defendants.

No. 23-cv-10305 (JPC)

**DEFENDANTS THE
ROCKEFELLER
UNIVERSITY AND DR.
WINRICH FREIWALD’S
NOTICE OF MOTION TO
DISMISS PLAINTIFFS’
COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Elise M. Bloom, Esq. with the exhibits annexed thereto, and all of the prior pleadings and proceedings in this action, Defendants The Rockefeller University (“RU”) and Dr. Winrich Freiwald (“Dr. Freiwald”) (collectively “RU Defendants”), through their undersigned counsel, will move this Court before the Honorable John P. Cronan, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007 on such a date and time as the Court may direct, for an Order pursuant to Federal Rule of Civil Procedure

12(b)(6) dismissing with prejudice all claims against RU Defendants in Plaintiffs' Complaint (ECF No. 1) and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE NOTICE that pursuant to the Court's Order of January 11, 2024 (ECF No. 38), Plaintiffs' opposition, if any, should be filed and served on RU Defendants on or before March 7, 2024, and RU Defendants' reply papers should be filed and served on Plaintiffs on or before March 21, 2024.

Dated: February 6, 2024
New York, New York

Respectfully submitted,

/s/ Elise M. Bloom

Elise M. Bloom
Patrick J. Lamparello
Noa M. Baddish
PROSKAUER ROSE LLP
Eleven Times Square
New York, New York 10036-8299
Tel. 212.969.3000
Fax 212.969.2900
ebloom@proskauer.com
plamparello@proskauer.com
nbaddish@proskauer.com

*Attorneys for Defendants
The Rockefeller University and
Dr. Winrich Freiwald*